

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARIANNE ANNISZKIEWICZ,

Plaintiff,

-against-

THE CITY OF ROCHESTER, a municipal entity,
POLICE OFFICER BRIAN CALA, SERGEANT
JENNIFER TRENTON,

Defendants.

**STATEMENT OF
UNDISPUTED FACTS**

Case no. 20-cv-6629 (FPG)(MWP)

Defendants City of Rochester, Brian Cala, and Jennifer Trenton, by and through their attorneys Corporation Counsel Patrick Beath and Of Counsel Peachie L. Jones, hereby submit the following Statement of Undisputed Facts with Defendants' Motion for Summary Judgment, pursuant to L. R. Civ. P. 56(a)(1):

1. Plaintiff Marianne Anniszkiewicz called 911 for assistance on June 10, 2018. Anniszkiewicz ("Annisz.") Deposition Transcript ("Tr.") 44:8-12.
2. Plaintiff Anniszkiewicz reported to 911 that her neighbor was attempting to run over her and a loose dog with her [the neighbor's] car. Trenton Tr. 84:19-25; Annisz. Tr. 45:2-5, 46:5-17; Scherbyn Tr. 32:4-24; Cala Deposition Exhibit B, Job Card, pg. 1.
3. Rochester Police Department ("RPD") officers Brian Cala and Jennifer Trenton responded to Plaintiff's residence. Cala Tr. 53:12-13; 57:9-11; Glaze Affidavit ¶ 15.
4. Officer Cala was accompanied by Delaney Glaze, a civilian. Glaze Affidavit ¶ 4.
5. Sgt. Trenton shook the fence, in an attempt to alert pets or residents of their presence. Cala Tr. 36:16-24; Exhibit P, Trenton Interrogatory Response, no. 4.
6. Officer Cala did not search Plaintiff's yard. Cala Tr. 34:7 - 46:20; 66:21 - 70:23
7. Sergeant Trenton did not search Plaintiff's yard. Trenton Tr. 105:6 - 116:5.

8. After entering the yard, two dogs rapidly approached Sgt. Trenton, Officer Cala, and Ms. Glaze. Glaze Affidavit ¶ 16; Cala Tr. 99:18-22.

9. Both dogs were barking as they approached the trio, and the black dog bared its teeth as it approached the officers. Cala Tr. 100:5-9.

10. The dogs paused on the porch. Cala Tr. 99:22 - 100:4

11. The dogs were acting aggressively towards the officers and Ms. Glaze. Cala Tr. 99:22, 100:14-20 - 100:4.

12. Officer Cala and Ms. Glaze walked backwards away from the dogs. Cala Tr. 99:25 - 100:2; Glaze Affidavit ¶¶ 18-19.

13. After a pause (on the porch), the black dog barked and lunged at Officer Cala. Glaze Affidavit ¶¶ 22-23; Cala Tr. 70:16-23.

14. Officer Cala discharged his firearm at the dog. Glaze Affidavit ¶¶ 22-23; Cala Tr. 70:16-23.

15. Plaintiff Anniszkiewicz was inside her home and not facing any windows when the officers entered her yard and shot her dog. Annisz. Tr. 51:7-14, 52:19 -54:7.

16. Ms. Anniszkiewicz did not see any of the circumstances regarding the dog shooting. Annisz. Tr. 53:5-7.

17. Mr. Michael Scherbyan did not see the dog shooting. Scherbyn Tr. 45:22-24, 48:10-12.

18. In 2014, the City held a department-wide in-service training on aggressive dogs and dog encounters for all RPD officers. City Tr. 141:7-21, 145:10-14, 146:2-19; Exhibit E.

19. All RPD sworn officers were required to attend the department-wide in-service training on aggressive dogs and dog encounters. Exhibit E, List of attendees to 2014 Training; City Tr. 145:10-14, 146:2-19; Trenton Tr. 9:24 - 10:2.

20. Mr. Reno DiDomenico gave the 2014 RPD training. Exhibit D.


21. The training taught officers on dog behaviors, recognizing aggression, various tactics and tools to use in dog encounters, including non-lethal responses. Exhibit CC, DiDomenico Tr. 32:23 - 34:9, 35:14-20, 43:3-17, 43:10-17, 51:12-13; Exhibit U, City Tr. 151:9-11; Exhibit X, Laureano Tr. 43:3-21, 44:15-22; Exhibit FF, Romig Tr. 67:9 - 68:8; Exhibit BB, Horowitz Tr. 80:18 - 82:13; Exhibit AA, Algarin Tr. 85:11 - 86:2; Exhibit EE, Rudolph Tr. 124:7 - 125:22; Exhibit Y, Trenton Tr. 11:11-15, 12:13-24, 13:7-18.

22. The City's policy regarding firearm discharges at animals is in section III(A)(2) and III(B) of General Order 340. Exhibit O.

23. RPD officers responded to at least 600,000 calls for service from July 1, 2016 to June 30, 2018. Exhibit F, pgs. 1-2.

Date: September 26, 2024

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